THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12540 of 2006

27.7.2006

Between:

Chandra Babu Nagar Welfare Association, Lalapet, Secunderabad, Represented by its President Sri K.Venkatesh Yadav

And another

… Petitioners

AND

The Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad

And others

… Respondents

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THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12540 of 2006

ORDER:

Chandra Babu Nagar Welfare Association (hereafter called, the Association) and President of Mahila Mandali of Chandra Babu Nagar, filed the instant writ petition challenging the notice dated 17.6.2006 issued by the Mandal Revenue Officer (MRO), fourth respondent herein. The petitioners seek invalidation of the said notice and a consequential direction to respondents to acquire the land in their possession from the fifth respondent if she is the owner of the land.

The case of the petitioners is as follows. The land in survey Nos.23 to 25 situated at Lalaguda Village of Marredpally Mandal in Secunderabad was wasteland of the Government with huge pits. According to the first petitioner, as many as 361 persons, who are members of the Association occupied the land and raised hutments/semi pakka houses. Municipal Corporation of Hyderabad (MCH) assigned house numbers, Electricity Board gave electricity connections and all the residents constructed a temple in the locality and they have been in possession of the land. It is alleged that the third respondent also issued possession certificates. At that stage, the fifth respondent filed a writ petition being W.P.No.4393 of 1996 before this Court. This Court allowed the said writ petition in favour of the fifth respondent directing the MRO and Inspector of Police, P.S.Sardar Patel Road, to restore possession to fifth respondent by removing the encroachments. In obedience thereto the impugned public notice was issued.

The matter was listed before this Court for preliminary hearing on 23.6.2006. This Court adjourned the matter to enable the learned

Counsel for the petitioner to implead all the members of the first petitioner association, who are allegedly in possession of the land, as petitioners to the writ petition and notice was ordered to fifth respondent. Though the matter was adjourned five times from 23.6.2006, no steps are taken for impleading the members of the Association.

The impugned notice dated 17.6.2006 issued by the MRO reads as under.

PUBLIC NOTICE

The Hon'ble High Court in their judgment dated 22.03.2006 in WP No.4393 of 1996 have ordered for eviction of the encroachers over the land in survey No.23 to 25 of Lalaguda village which is taken over into the custody of Mandal Revenue Officer under Section 145 Cr.P.C. The Hon'ble Court has further directed to handover the land, after evicting the encroachers, to the petitioner in the above writ petition. The Hon'ble Court has given direction to the revenue authorities to carry out eviction within three months. The three months period granted by the Hon'ble Court will expire 22.6.2006. Therefore all the encroachers numbering about 293, who are in occupation of the land by erecting huts and semi pucca houses are hereby informed to vacate their hutment's so that the same can be handed over to the writ petitioners as directed by Hon'ble Court.

Sd/- xxx
Mandal Revenue Officer,
Marredpally Mandal

It is needless to point out that the above notice was issued in obedience to the Mandamus issued by this Court on 22.3.2006 in W.P.No.4393 of 1996. Even if the petition allegations are true, the writ petition cannot be entertained by this Court, as it would amount to review the order passed by this Court in W.P.No.4393 of 1996. Be it noted that the said judgment passed by a single Bench and, therefore, it is not permissible for this Bench, to review or ignore the said order. Therefore, at one point of time, learned Counsel for the petitioners sought time to file a writ appeal against the order in W.P.No.4393 of 1996 dated 22.3.2006. Today when the matter is called learned Counsel for the petitioners, Ms.Surekha, submits that the petitioners are taking steps to file writ appeal shortly or today. Therefore, it is open to the petitioners to raise all the points urged in this writ petition. This writ petition cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed with liberty to the petitioners to seek leave to file appeal against the order in W.P.No.4393 of 1996. There shall be no order as to costs.

(**V.V.S.RAO,J**)

July 27, 2006.

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